

REMARKS

It is respectfully requested that the present Reply be entered into the Official File in view of the fact that the Reply automatically places the application in condition for allowance. Specifically, claims 5-6 have been allowed, and the remaining pending claims depend on the allowable subject matter. Thus, the present Reply is believed to be in proper form for placing the application in condition for allowance.

In the alternative, if the Examiner continues with the rejections of the present application, it is respectfully requested that the present Reply be entered for purposes of an Appeal. The Reply reduces the issues on appeal by reducing the number of claims (e.g., claim 1 has been canceled). Thus, the issues on appeal would be reduced.

Status of the Claims

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims.

In the present Reply, claim 1 has been canceled and claims 2-4 have been amended. Thus, claims 2-6 are pending in the present application.

No new matter has been added by way of these amendments because each amendment is supported by the present specification and is editorial in nature (e.g., the dependencies of the claims have been changed). Applicants note that claims 5-6 are allowed.

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw the only rejection and allow the currently pending claims.

Issues under 35 U.S.C. § 102(b)

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by EP '688 (EP 0791688) (see paragraphs 1-2 of the Office Action). Applicants respectfully traverse, and reconsideration and withdrawal of this rejection are respectfully requested.

First, Applicants respectfully refer the Examiner to paragraph 3 of the Office Action. The Examiner indicates that claims 5-6 would be allowable if properly rewritten into independent form. However, claims 5 and 6 were properly rewritten in Applicants' previous Reply under 37 C.F.R. § 1.111 dated January 21, 2005. Thus, Applicants respectfully submit that claims 5 and 6 are in independent form and in condition for allowance.

Second, claim 1 has been canceled, rendering this rejection moot. Further, the rejection of claims 2-4 is rendered moot since these claims now depend on the allowable subject matter.

Thus, based on the above, reconsideration and withdrawal of this rejection are respectfully requested. Further, Applicants respectfully request that the pending claims be placed into condition for allowance.

Conclusion

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present

Application No. 10/706,038

Docket No.: 0042-0491P

Art Unit 1731

After Final Office Action of May 3, 2005

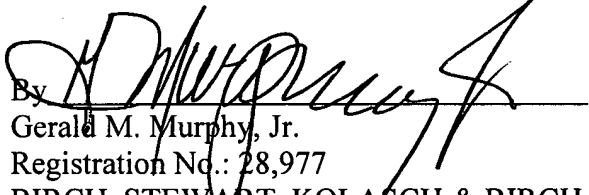
application. Therefore, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 2, 2005

Respectfully submitted,

By 
Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant